

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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|-----------------------------|---|----------------------------|
| ANDREW HILFORD, |) | 3:12-cv-00329-RCJ-WGC |
| |) | |
| Plaintiff, |) | <u>MINUTE ORDER</u> |
| |) | September 3, 2013 |
| vs. |) | |
| |) | |
| CHRISTOPHER ROWLEY, et. al. |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

PRESENT: THE HONORABLE WILLIAM G. COBB, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: KATIE OGDEN REPORTER: NONE APPEARING

COUNSEL FOR PLAINTIFF(S): NONE APPEARING

COUNSEL FOR DEFENDANT(S): NONE APPEARING

MINUTE ORDER IN CHAMBERS:

Before the court is Defendant Gittere's Motion to Strike Plaintiff's Response to Defendant's Answer. (Doc. # 48.)

Defendant Gittere filed his answer denying the material allegations of Plaintiff's complaint and asserting various affirmative defenses. (Doc. # 43.) Thereafter, Plaintiff filed a response to the answer. (Doc. # 46.) Defendant Gittere now moves to strike Plaintiff's response, stating that it is not provided for in the rules, and was not filed with leave of court. (Doc. # 48.)

Defendant Gittere is correct that Federal Rule of Civil Procedure 7(a) contemplates the following pleadings: complaint; answer to a complaint, counterclaim or cross-claim; third-party complaint; answer to a third-party complaint; and "*if the court orders one*, a reply to an answer." Fed. R. Civ. P. 7(a) (emphasis added).

Here, defendant Gittere filed his answer to Plaintiff's complaint. The court did not order the filing of a reply to his answer.

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Federal Rule of Civil Procedure 12(f) permits the court to strike “redundant, immaterial, impertinent, or scandalous matter” from a pleading on its own or on the motion of another party. The court hereby exercises its discretion as such. Therefore, defendant Gittere’s motion to strike (Doc. # 48) is **GRANTED** and Plaintiff’s response (Doc. # 46) is hereby **STRICKEN**.

IT IS SO ORDERED.

LANCE S. WILSON, CLERK

By: /s/
Deputy Clerk